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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,474	01/30/2001	Chan Ming Yam Terence Conan	CA919990016-US1	1657

7590 10/23/2002

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EXAMINER

LAU, TUNG S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/772,474

Applicant(s)

CONAN ET AL.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### **Claim Objections**

1. Claims 20 and 21 are objected to because an error on an usage of a word 'servlet', the examiner assumes it means 'server' for the rest of the application, correction is required

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1, 2, 5-7, 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warfield (U.S. Patent 5,754,760) in view of Halviatti et al. (U.S. Patent 5,790,117).

Warfield discloses an automatic testing of software on server, a computer readable program, instruction executable by computer system, central processing unit and random memory, having a storing sets of test data, accepting test request from user, execution process, test script, included client process component (Abstract, fig. 1-11, col. 4, lines 21-47, col. 5, lines 15-23,

Art Unit: 2863

col. 13, lines 54-60, col. 7-8), job queue process (col. 9, lines 4-20), use of database server (col. 4, lines 36-47), use test script (abstract), test is reported (col. 6, lines 7-14), client on a network (fig. 7), control query, refresh command, listener process (fig. 1-11), system can run on a DOS based system using C/C++ compiler (col. 7-8),

Warfield does not disclose a resources management approach, Halviatti disclose such application with dispatcher process (col. 37, lines 5-15, col. 38, lines 1-8), in order to maximize controllability and effectiveness (col. 3, lines 27-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Warfield to have the resources management approach taught by Halviatti in order to maximize controllability and effectiveness on an automatic testing of software.

Warfield does not disclose the use of a web server, but Warfield talk about the system based on server/ client on a network (fig. 7), It would have been inherent to one of ordinary skill in the art at the time the invention was made to know that Warfield invention works on a web server application.

Art Unit: 2863

**b.** Claims 8, 22, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Warfield as applied to claims 1, and further in view of Brouwer et al. (U.S. Patent 6,279,124).

The Warfield combination disclose a method including the subject matter discussed above except the use of TCP/IP format and parsing ASCII format, Brouwer disclose such application (col. 3, lines 16-35, col. 30, lines 57-65), to be able to provide a modular format to meet the need of future system (col. 1, lines 36-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Warfield to have the use of TCP/IP format and parsing ASCII format taught by Brouwer in order to able to provide a modular format to meet the need of future system.

**3.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Application/Control Number: 09/772,474

Page 5

Art Unit: 2863

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703)

872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL

October 1, 2002



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